

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America

v.

Gregory Fuller

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Case No: 09-CR-274-3 (CS)

USM No: 85145-054

Date of Original Judgment: 11/29/2021

Date of Previous Amended Judgment: 05/13/2021

(Use Date of Last Amended Judgment if Any)

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

Mr. Fuller did get two criminal history points for committing the instant offenses while under a criminal justice sentence, but if one subtracts those two criminal history points, he would be in criminal history category II rather than III, and at offense level 46, his Guidelines range is life either way. A reduction is not permitted under 18 USC 3582(c)(2) unless the amendment has the effect of reducing the defendant's range. USSG 1B1.10(2)(B). Accordingly, Mr. Fuller is not eligible for a reduction.

Except as otherwise provided, all provisions of the judgment dated 05/13/2021 shall remain in effect.

IT IS SO ORDERED.

Order Date: 06/28/2024



Judge's signature

Effective Date: _____
(if different from order date)

Cathy Seibel, U.S.D.J.

Printed name and title